

SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY C. SMITH

BY REQUEST OF THE JOINT RULES COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ADOPTING THE JOINT LEGISLATIVE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

**JOINT RULES OF THE MONTANA
SENATE AND HOUSE OF REPRESENTATIVES**

CHAPTER 1

COVID-19 Response

1-05. Definitions. As used in these joint rules, the following definitions apply:

(1) "Member" means a member of the Senate or the House of Representatives for the 67th Legislature.

(2) "Participating remotely", "remotely present", or "participate remotely" means participating by telephone, teleconference, videoconference, or other means.

(3) "Present" means a member was either physically present and participating in the session or remotely present and participating in the session.

(4) "Session" means the 67th legislative session.

1-10. Legislative Leadership COVID-19 Response Panel. (1) There is a Legislative Leadership COVID-19 Response Panel comprised of:

- (a) the Senate President;
- (b) the Senate President Pro Tempore;
- (c) the Senate Majority Leader;
- (d) the Senate Minority Leader;
- (e) the Speaker of the House;

1 (f) the Speaker of the House Pro Tempore;

2 (g) the House Majority Leader; and

3 (h) the House Minority Leader.

4 (2) (a) The panel shall elect its presiding officer and vice presiding officer from among its members. A
5 member of the panel votes individually and not by the house to which the panel member belongs.

6 (b) All meetings of the panel are open to the public to the same extent as other legislative committee
7 meetings, subject to the provisions of Joint Rule 1-20. The panel shall provide for and give public notice,
8 reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of
9 regular and special meetings. However, a meeting may be held upon notice appropriate to the circumstances.

10 (c) The panel may meet and conduct business from the start of the legislative session until
11 adjournment sine die, regardless of whether a legislative day is scheduled.

12 (3) The purpose of the panel is to comply with constitutional requirements during a period of
13 emergency regarding legislative business and public access while promoting and protecting the health and
14 safety of legislative members, legislative staff, and other individuals involved in the legislative process. The
15 panel is established to provide operating flexibility for the Legislature and quick responsiveness during the
16 current COVID-19 public health emergency. In any significant panel action that impacts legislative business and
17 public access, the panel will consider the Legislature's broad authority under the constitutional continuity of
18 government provisions provided in Article III, section 2, of the Montana Constitution, the Legislature's inherent
19 police powers during an emergency, the constitutional legislative rule provisions, and the Legislature's specific
20 statutory authority. Subject to subsection (4), the panel may exercise authority over all aspects of legislative
21 business that are impacted by the COVID-19 health emergency, including but not limited to public access as
22 provided in Joint Rule 1-20 and a member's physical presence as provided in Joint Rule 1-30.

23 (4) The panel may not exercise authority over a legislator's independent decision to receive COVID-19
24 testing or a COVID-19 vaccine.

25 (5) In order to adequately respond to an emergency, the decisions of the panel are effective
26 immediately without adoption by the House of Representatives or the Senate.

27 **1-20. In-person public access -- right to participate and observe -- COVID-19 Response Panel. (1)**

28 In order to promote and protect the health and safety of individuals involved in the legislative process and to

1 minimize public health dangers resulting from the current COVID-19 public health emergency, the Legislative
2 Leadership COVID-19 Response Panel shall determine the level of in-person public involvement in all matters
3 of legislative business, including but not limited to public meetings, House and Senate floor and gallery access,
4 and access to legislative offices. The panel may adjust the level of in-person public involvement at any time
5 based on a sliding scale approach that considers all of the relevant facts and circumstances, including the
6 impact to the public, the legislative process, and the overall risk of becoming infected with COVID-19 in the
7 Capitol.

8 (2) Subject to subsection (4), the approach may provide restricted in-person public involvement in the
9 legislative process or closure of any areas of the Capitol to the public that are under control of the Legislature.
10 Restrictions may include testing for COVID-19 symptoms, requiring electronic exhibits from members of the
11 public, room capacity limitations, daily in-person attendance limits, advance in-person registration, room
12 closures, directional traffic, and any other relevant social distancing measure that may limit the spread of
13 COVID-19.

14 (3) (a) The approach may provide for the ability of a committee to receive oral testimony from
15 members of the public through electronic means based on availability of technology and personnel limitations.
16 Electronic means may include telephone, teleconference, videoconference, or other reliable electronic means.
17 The panel may require advance registration or impose other limitations, including time limitations. All members
18 of the public, whether testifying in person or remotely, must be provided with equal time for proponents and
19 opponents to testify. Advance registration requirements include but are not limited to:

20 (i) registering electronically as a proponent, opponent, or informational witness; and
21 (ii) providing the ~~address and location~~ city and state of the remote testimony and any relevant contact
22 or technical information for conducting remote meetings.

23 (b) A committee chair retains the right to limit testimony through electronic means, including deadlines
24 for testimony requests and time allowed for public comment. Witnesses may be called to testify at any point
25 during a bill hearing as determined by the chair, regardless of whether the witness is a proponent or an
26 opponent.

27 (4) The approach must provide for the public's right to participate and right to know as required by
28 Article II, sections 8 and 9, and Article V, section 10(3), of the Montana Constitution. The public has an absolute

1 right to participate in the legislative committee process by submitting written testimony as a proponent or an
2 opponent on any legislation through the Legislature's website or through electronic mail. Written testimony
3 submitted through the website will be included in the record for the committee considering the bill. The option to
4 submit written testimony will be available beginning when a bill is scheduled for a hearing in a committee of
5 reference and will last until the committee hearing on the bill ends. A live broadcast must be streamed online for
6 any legislative committee meeting.

7 **1-30. Legislator participation during session -- exclusion of members from physical**
8 **participation by COVID-19 Response Panel.** In order to promote and protect the health and safety of
9 individuals and legislative members involved in the legislative process and to minimize public health dangers
10 resulting from the current COVID-19 public health emergency, the Legislative Leadership COVID-19 Response
11 Panel shall determine when to limit or exclude other members from physical participation in the legislative
12 session, and the level of physical participation of members in all committee meetings and floor sessions. The
13 approach must be balanced by treating all members who have the same factual circumstances and potential
14 exposure to COVID-19 in the same manner. The approach may provide for an excluded member to participate
15 remotely as provided in Joint Rule 1-40.

16 **1-40. Members physically present or remotely present by electronic means.** (1) The Senate and
17 the House may assemble, convene, and conduct the session with members being either physically present or
18 participating remotely. A member is not permitted to participate remotely unless excluded from physical
19 participation based on a decision of the Legislative Leadership COVID-19 Response Panel pursuant to Joint
20 Rule 1-30 or through a decision of the member's caucus leader pursuant to Joint Rule 1-50.

21 (2) Subject to subsection (3), members who are permitted to participate remotely in the session:

22 (a) may vote on any question or other matter before the Senate or the House, including committees of
23 the Senate or the House;

24 (b) have the same privileges, rights, and duties as if the member were physically present, including
25 the right, privilege, and responsibility to cast votes on all questions or other matters brought to a vote;

26 (c) are considered to have immunity that prevents the member from being questioned in any other
27 place for any speech or debate in the Legislature that happens by participating remotely, as guaranteed by
28 Article V, section 8, of the Montana Constitution;

(d) are entitled to receive compensation for remotely participating in the same manner as a legislator member physically participating during the session; and

(e) are considered present and in attendance at the session for all purposes, including for purposes of:

(i) determining a quorum pursuant to Article V, section 10, of the Montana Constitution; and

(ii) being present for the passage of a bill pursuant to Article V, section 11, of the Montana Constitution.

(3) Members who vote remotely are required to use electronic authentication as determined by the Legislative Leadership COVID-19 Response Panel to prevent access to voting by anyone other than the member.

(4) The Legislative Services Division shall assist members who are participating remotely with any logistical or technical issues during the session.

1-50. Participation during session -- permission granted by caucus leader for participating remotely. (1) A member's caucus leader may allow the member to participate remotely as provided in Joint Rule 1-40 and to vote by proxy, except as provided in subsection (2).

(2) Voting by proxy in third reading may be authorized by a member's caucus leader only when a member is hospitalized. Proxy voting on third reading is discouraged unless a member is physically present and participating in the session or remotely present and participating in the session, because Article V, section 11, of the Montana Constitution requires a member to be "present and voting".

(3) For the purpose of this rule, the caucus leader:

(a) for the majority party in the House is the Speaker of the House, the Speaker Pro Tempore of the House, the House Majority Leader, or a Representative designated by a leader in this subsection (3)(a);

(b) for the minority party in the House is the House Minority Leader or a Representative designated by the House Minority Leader;

(c) for the majority party in the Senate is the Senate President, the Senate President Pro Tempore, the Senate Majority Leader, or a Senator designated by a leader in this subsection (3)(c); and

(d) for the minority party in the Senate is the Senate Minority Leader or a Senator designated by the Senate Minority Leader.

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day -- duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment -- recess -- meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)). The procedure for obtaining consent is contained in Joint Rule 20-10.

10-50. Access of media -- registration -- decorum -- sanctions. (1) Subject to the presiding officer's discretion on issues of decorum and order, a registered media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize the issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may delegate enforcement of this rule to the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. The privilege may be revoked or suspended for a violation of decorum and order as agreed to by the media representative upon application for registration.

(3) Registered media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

10-70. Telephone calls and internet access. (1) Long-distance telephone calls made by a member on a state telephone while the Legislature is in session or while the member is in travel status are considered official legislative business. These include but are not limited to calls made to constituencies, places of

1 business, and family members. A member's access to the internet through a permissible server is a proper use
2 of the state communication system if the use is for legislative business or is within the scope of permissible use
3 of long-distance telephone calls.

4 (2) Session staff, including aides, may use state telephones for long-distance calls only if specifically
5 authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are
6 accountable for use of state telephones and internet access by their staff, including aides, and may not
7 authorize others to use state phones or state servers to access the internet.

8 (3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of
9 state telephones.

10 (4) For purposes of this section, "state telephone" or "state phone" means a landline telephone or
11 other telephone provided by the state.

12 **10-80. Joint employees.** The presiding officers of each house, acting together, shall:

13 (1) hire joint employees; and

14 (2) review a dispute or complaint involving the competency or decorum of a joint employee, and
15 dismiss, suspend, or retain the employee.

16 **10-85. Discrimination, harassment, and retaliation prohibited -- adoption of policy.** (1) Legislators,
17 legislative employees, and all participants in the legislative process have the right to work free of discrimination,
18 harassment, and retaliation when performing services in furtherance of legislative responsibilities, whether the
19 offender is an employer, employee, or legislator.

20 (2) The policy of the Montana Legislature prohibiting discrimination, harassment, and retaliation, as
21 recommended by the Legislative Council and approved by the Legislature by virtue of adoption of these joint
22 rules, must be shared with members and staff during orientation and training and published separately as an
23 appendix to the Joint Rules.

24 **10-100. Legislative Services Division.** (1) The staff of the Legislative Services Division shall serve
25 both houses as required.

26 (2) Staff members shall:

27 (a) maintain personnel files for legislative employees; and

28 (b) prepare payrolls for certification and authorization by the presiding officer and prepare a monthly

1 financial report.

2 (3) The Legislative Services Division shall train journal clerks for both houses.

3 **10-120. Engrossing and enrolling staff -- duties.** (1) The Legislative Services Division shall provide
4 all engrossing and enrolling staff.

5 (2) The duties of the engrossing and enrolling staff are:

6 (a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been
7 received, unless further time is granted in writing by the presiding officer of the house in which the bill
8 originated; and

9 (b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment
10 and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment
11 originating in the house by which the Clerk or Secretary is employed. The following kinds of clerical errors may
12 be corrected:

- 13 (i) errors in spelling;
14 (ii) errors in numbering sections;
15 (iii) additions or deletions of underlining or lines through matter to be stricken;
16 (iv) material copied incorrectly from the Montana Code Annotated;
17 (v) errors in outlining or in internal references;
18 (vi) an error in a title caused by an amendment;
19 (vii) an error in a catchline caused by an amendment;
20 (viii) errors in references to the Montana Code Annotated; and
21 (ix) other nonconformities of an amendment with Bill Drafting Manual form.

22 (3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the
23 Secretary of the Senate or the Chief Clerk of the House, who shall give notice to the sponsor of the bill or
24 amendment. The form must be filed in the office of the amendments coordinator. A party receiving notice may
25 register an objection to the correction by filing the objection in writing with the Secretary of the Senate or the
26 Chief Clerk of the House by the end of the next legislative day following receipt of the notice. The Senate or
27 House shall vote on whether or not to uphold the objection. If the objection is upheld, the Secretary of the
28 Senate or the Chief Clerk of the House shall notify the Executive Director of the Legislative Services Division,

1 and the engrossing staff shall change the bill to remove the correction or corrections to which the objection was
2 made.

3 (4) For the purposes of this rule, "engrossing" means placing amendments in a bill.

4 **10-130. Bills -- sponsorship -- style -- format.** (1) A bill must be sponsored by a member of the
5 Legislature.

6 (2) A bill must be formatted electronically with numbered lines and:

7 (a) printed on paper with numbered lines;

8 (b) numbered at the foot of each page (except page 1);

9 (c) backed with a page of substantial material that includes spaces for notations for tracking the
10 progress of the bill; and

11 (d) introduced. Introduction constitutes the first reading of the bill.

12 (3) In a section amending an existing statute, matter to be stricken out must be indicated with a line
13 through the words or part to be deleted, and new matter must be underlined.

14 (4) (a) Except as provided in subsection (4)(b), sections of the Montana Code Annotated repealed or
15 amended in a bill must be stated in the title.

16 (b) (i) Sections of the Montana Code Annotated repealed or amended in a legislative referendum must
17 be stated in the title unless the inclusion of those sections in the title would cause the title to cumulatively
18 exceed a 100-word limit.

19 (ii) If the inclusion of sections of the Montana Code Annotated repealed or amended in a legislative
20 referendum title would cause the title to cumulatively exceed 100 words, the title must include those sections
21 that do not exceed the 100-word limit and include a reference to the total number of additional sections listed in
22 the body of the bill that are excluded from the title due to the 100-word limit. Those additional sections excluded
23 from the title must be listed in a section within the body of the bill after the enacting clause.

24 (5) Introduced bills must be posted online and may be reproduced on white paper and distributed to
25 members.

26 (6) A legal review note or analysis produced by the Legislative Services Division Legal Services Office
27 may not be attached to an introduced bill or posted on the Legislative Branch website unless requested by the
28 sponsor of the bill.

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator may be added as a cosponsor by an in-person request, an electronic message, a phone communication, or a cosponsor form. If a printed cosponsor form is used, a legislator must sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor. A legislator may also sign on the front page of the legislation.

(8) (a) Prior to submitting legislation to the Secretary of the Senate or the Chief Clerk of the House for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor.

(b) After legislation is submitted for introduction but before the legislation returns from the first House or Senate committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Secretary of the Senate or the Chief Clerk of the House.

10-140. Voting on bills -- constitutional amendments. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

(3) This rule does not prevent a committee from tabling a bill proposing an amendment to The Constitution of the State of Montana.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made available to the public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

(i) amend;

(ii) recommend passage or nonpassage;

(iii) recommend concurrence or nonconcurrence; or

(iv) indefinitely postpone.

(b) The text of all proposed amendments in Committee of the Whole must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log must also be kept that includes but is not limited to:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

10-160. Journal. Each house shall:

(1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;

(2) examine its journal and order correction of any errors; and

(3) make a daily journal available to all members.

10-170. Journals -- authentication -- availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives must be authenticated by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public.

CHAPTER 20

Relations With Other House

20-10. Consent for adjournment or recess. As required by Article V, section 10(5), of the Montana Constitution, the consent of the other house is required for adjournment or recess for more than 3 calendar

1 days. Consent for adjournment is obtained by having the house wishing to adjourn send a message to the other
2 house and having the receiving house vote favorably on the request. The receiving house shall inform the
3 requesting house of its consent or lack of consent. Consent is not required on or after the 87th legislative day.

4 CHAPTER 30

5 Committees

6 **30-10. Joint committee chair -- exception.** Except as provided in Joint Rule 30-50 concerning the
7 joint meetings of the Senate Finance and Claims Committee and the House Appropriations Committee, the
8 chair of the Senate committee is the chair of all joint committees.

9 **30-20. Voting in joint committees -- exception.** (1) Except for Rules Committees and conference
10 committees, a member of a joint committee votes individually and not by the house to which the committee
11 member belongs.

12 (2) Because the Rules Committees and conference committees are joint meetings of separate
13 committees, in those committees the committees from each house vote separately. A majority of each
14 committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

15 **30-30. Conference committees -- subject matter restrictions.** (1) If either house requests a
16 conference committee and appoints a committee for the purpose of discussing an amendment on which the two
17 houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of
18 all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This
19 announcement is in order at any time. Failure to make this announcement does not affect the validity of the
20 legislation being considered. A conference committee meeting must be conducted as an open meeting, and
21 minutes of the meeting must be kept.

22 (2) A conference committee, having conferred, shall report to the respective houses the result of its
23 conference. A conference committee shall confine itself to consideration of the disputed amendment. The
24 committee may recommend:

25 (a) acceptance or rejection of each disputed amendment in its entirety; or

26 (b) further amendment of the disputed amendment.

27 (3) (a) If either house requests a free conference committee and the other house concurs,
28 appointments must be made in the same manner as provided in subsection (1). A free conference committee

1 may discuss and propose amendments to a bill in its entirety and is not confined to a particular amendment.
2 However, a free conference committee is limited to consideration of amendments that are within the scope of
3 the title of the introduced bill.

4 (b) A free conference committee may not take executive action on an amendment to a bill
5 implementing provisions of a general appropriation act that does not directly and substantively address the
6 subject of the bill.

7 **30-40. Conference committee -- enrolling.** A conference committee report must give clerical
8 instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

9 **30-50. Committee consideration of general appropriation bills.** (1) All general appropriation bills
10 must first be considered by a joint subcommittee composed of designated members of the Senate Finance and
11 Claims Committee and the House Appropriations Committee, and then by each committee separately.

12 (2) Joint meetings of the House Appropriations Committee and the Senate Finance and Claims
13 Committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint
14 committee.

15 (3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations
16 Committee may be a voting member in the joint subcommittees if:

- 17 (a) either house has fewer members on the joint subcommittees;
18 (b) the chair represents the house with fewer members on the subcommittees; and
19 (c) the chair is present for the vote at the time that a question is called. A vote may not be held open
20 to facilitate voting by a chair.

21 **30-60. Estimation of revenue.** (1) The Revenue and Transportation Interim Committee shall introduce
22 a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the
23 Legislature.

24 (2) (a) The committee must have prepared by December 1 for introduction during each regular
25 session of the Legislature in which a revenue bill is under consideration an estimate of the amount of revenue
26 projected to be available for legislative appropriation.

27 (b) The committee may prepare for introduction during a special session of the Legislature in which a
28 revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The

1 revenue estimate is considered a subject specified in the call of a special session.

2 **30-70. Appointment of interim committees.** As provided for in section 5-5-211(6), MCA, 50% of
3 interim committees must be selected from the following legislative standing committees:

4 (1) Economic Affairs Interim Committee:

5 (a) Senate Agriculture, Livestock, and Irrigation Committee;

6 (b) Senate Business, Labor, and Economic Affairs Committee;

7 (c) Senate Finance and Claims Committee;

8 (d) House Agriculture Committee;

9 (e) House Business and Labor Committee;

10 (f) House Energy, Technology, and Federal Relations Committee; and

11 (g) House Appropriations Committee;

12 (2) Education and Local Government Interim Committee:

13 (a) Senate Education and Cultural Resources Committee;

14 (b) Senate Local Government Committee;

15 (c) Senate Finance and Claims Committee;

16 (d) House Education Committee;

17 (e) House Local Government Committee; and

18 (f) House Appropriations Committee;

19 (3) Children, Families, Health, and Human Services Interim Committee:

20 (a) Senate Public Health, Welfare, and Safety Committee;

21 (b) Senate Finance and Claims Committee;

22 (c) House Human Services Committee; and

23 (d) House Appropriations Committee;

24 (4) Law and Justice Interim Committee:

25 (a) Senate Judiciary Committee;

26 (b) Senate Finance and Claims Committee;

27 (c) House Judiciary Committee; and

28 (d) House Appropriations Committee;

- 1 (5) Revenue and Transportation Interim Committee:
- 2 (a) Senate Taxation Committee;
- 3 (b) Senate Highways and Transportation Committee;
- 4 (c) Senate Finance and Claims Committee;
- 5 (d) House Taxation Committee;
- 6 (e) House Transportation Committee; and
- 7 (f) House Appropriations Committee;
- 8 (6) State Administration and Veterans' Affairs Interim Committee:
- 9 (a) Senate State Administration Committee;
- 10 (b) Senate Finance and Claims Committee;
- 11 (c) House State Administration Committee; and
- 12 (d) House Appropriations Committee;
- 13 (7) Energy and Telecommunications Interim Committee:
- 14 (a) Senate Energy Committee;
- 15 (b) House Energy, Technology, and Federal Relations Committee;
- 16 (c) House Appropriations Committee; and
- 17 (d) Senate Finance and Claims Committee.

18 **30-80. Appointment of committees other than standing or statutory interim committees.**

19 Members of committees other than standing or statutory interim committees shall be appointed in accordance
20 with the rules of each house.

21 **CHAPTER 40**

22 **Legislation**

23 **40-10. Amendment to state constitution.** A bill must be used to propose an amendment to The
24 Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution,
25 Art. VI, Sec. 10(1)).

26 **40-20. Appropriation bills -- introduction in House -- feed bill.** (1) All appropriation bills must
27 originate in the House of Representatives.

28 (2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House

1 Appropriations Committee.

2 (3) (a) The provisions of a bill that implements provisions of a general appropriation act must directly
3 and substantively relate to a corresponding provision of the general appropriation act.

4 (b) (i) When a bill that implements provisions of a general appropriation act is transmitted from the
5 Senate to the House for concurrence, the House may refer the bill to the House Appropriations Committee for a
6 joint meeting with the appropriate house standing committee for public review and consideration prior to action
7 by the House Committee of the Whole on second reading.

8 (ii) When a bill that implements provisions of a general appropriation act is transmitted from the House
9 to the Senate for concurrence, the Senate may refer the bill to the Senate Finance and Claims Committee for a
10 joint meeting with the appropriate Senate standing committee for public review and consideration prior to action
11 by the Senate Finance and Claims Committee and the Senate Committee of the Whole on second reading. The
12 appropriate standing committee may not take executive action on the bill other than making recommendations
13 to the Senate Finance and Claims Committee.

14 **40-30. Effective dates.** (1) Except as provided in subsections (2) through (4), a statute takes effect on
15 October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

16 (2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage
17 and approval unless a different time is prescribed in the enacting legislation.

18 (3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first
19 day of January following its passage and approval unless a different time is prescribed in the enacting
20 legislation.

21 (4) A joint resolution takes effect on its passage unless a different time is prescribed in the joint
22 resolution.

23 **40-40. Bill requests and introduction -- limits and procedures -- drafting priority -- agency and**
24 **committee bills.** (1) Prior to a regular session, a person entitled to serve in that session, referred to as a
25 "member", or a legislative committee is entitled to request bill drafting services from the Legislative Services
26 Division. Deadlines for requesting certain types of bills during a legislative session are contained in Joint Rule
27 40-50.

28 (a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may

1 request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for
2 introduction in the regular session.

3 (b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be
4 prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested
5 before the regular session convenes.

6 (c) After December 5, a member, in the member's discretion, may grant to any other member any of
7 the remaining bill or resolution requests the granting member has not used. A bill requested by an individual
8 may not be transferred to another legislator but may be introduced by another legislator. The requestor must
9 take delivery of the bill either in person or by electronic means and sign, either in person or by electronic
10 means, a receipt indicating delivery of the bill and may either introduce the bill or give the bill to another
11 legislator for introduction.

12 (d) These limitations on bill and resolution requests do not apply to:

13 (i) Code Commissioner bills;

14 (ii) a bill or resolution requested by a standing committee; and

15 (iii) a bill or resolution requested by a member at the request of a newly elected state official if so
16 designated.

17 (2) (a) Except as provided in subsection (2)(b) or this subsection, the staff of the Legislative Services
18 Division shall work on bill draft requests in the order received. After a member has requested the drafting of five
19 bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority
20 than all other bills of members not in excess of five per member. The Speaker of the House, the minority leader
21 of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the
22 Legislative Services Division to assign a higher priority to 20 draft requests. The staff of the Legislative Services
23 Division shall assign a higher priority to any bill draft request when jointly directed by the President of the
24 Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House.

25 (b) Except for bill draft requests described in subsection (1)(d)(iii), if a draft bill has not been received
26 by the Legislative Services Division by November 15 for a bill by request of an agency or entity, the draft loses
27 its priority under this rule.

28 (3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to

1 introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills
2 on the automated bill drafting equipment and shall post them electronically or print and deliver them to the
3 requesting members. The original bill back must be signed to indicate review by the Legislative Services
4 Division. The electronic version of the bill must include an indication of review by the Legislative Services
5 Division. A bill may not be introduced unless it is so signed or indicated.

6 (4) (a) During a session, a bill may be introduced by endorsing it with or indicating the name of a
7 member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate.
8 Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must
9 be introduced in the house in which the member whose name appears or is indicated first on the bill is a
10 member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name, and
11 the chief sponsor may not be changed. Except as provided in subsection (4)(b), in each session of the
12 Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in
13 the order of their receipt.

14 (b) The first 15 House bills may be reserved for preintroduced bills.

15 (5) (a) Except as provided in subsection (5)(b)(ii), any bill requested by an interim or statutory
16 legislative committee or on behalf of an administrative or executive agency or department through an interim or
17 statutory committee must be so indicated by placing after the names of the sponsors the phrase "By Request of
18 the.....(Name of committee or agency)". The phrase may not be added to an introduced bill by amendment.
19 The phrase may not be placed on a bill unless requested by a statutory or interim committee prior to the
20 convening of the session. Unless requested by an individual member, a bill draft request submitted at the
21 request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory
22 committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced
23 or the request is canceled. Preintroduction of an agency, committee, or individual legislator's bill must occur no
24 later than 5 p.m. on December 15th prior to the convening of a regular legislative session. Preintroduction is
25 accomplished when the Legislative Services Division receives a signed preintroduction form.

26 (b) (i) The preintroduction requirement does not apply to an office held by an elected official during the
27 official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to
28 the convening of the legislative session to address a specific issue. Bills requested under this subsection (5)(b)

1 may include the phrase "By Request of.....(Name of official or committee)".

2 (ii) An official newly elected to a statewide office may request in writing that the Legislative Services
3 Division remove the phrase "By Request of....." from bills requested by the outgoing official of that office.

4 (6) Bills may be preintroduced, numbered, posted online, and reproduced prior to a legislative session
5 by the staff of the Legislative Services Division. Actual signatures, facsimile signatures (5-2-105, MCA), or
6 electronic signatures, along with verified email addresses, of persons entitled to serve as members in the
7 ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's
8 name printed or listed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time
9 prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services
10 Division to be included on the face of the printed bill or included on the electronic version of the bill following
11 standing committee approval.

12 **40-50. Schedules for drafting requests and bill introduction.** (1) The following schedule must be
13 followed for submission of drafting requests.

14		Request Deadline
15		5:00 P.M.
16		Legislative Day
17		_____
18	• General Bills and Resolutions	12
19	• Revenue Bills	17
20	• Committee Bills and Resolutions	36
21	• Committee Revenue Bills and Bills Proposing Referenda	56
22	• Committee Bills implementing provisions	56
23	of a general appropriation act	
24	• Interim study resolutions	60
25	• Appropriation Bills	45
26	• Resolutions to express confirmation of	No Deadline
27	appointments	
28	• Bills repealing or directing the amendment	No Deadline

1 or adoption of administrative rules and
2 joint resolutions advising or requesting
3 the repeal, amendment, or adoption of
4 administrative rules

5 (2) (a) A bill or resolution must be introduced at least 6 legislative days prior to the applicable
6 transmittal deadline as provided in Joint Rule 40-200 except for:

- 7 (i) a session committee bill, resolution, or referenda;
8 (ii) a bill repealing or directing the amendment or adoption of administrative rules;
9 (iii) a joint resolution advising or requesting the repeal, amendment, or adoption of administrative rules;

10 or

- 11 (iv) a resolution expressing confirmation.

12 (b) Bills and resolutions must be introduced within 2 legislative days after delivery. Failure to comply
13 with the introduction deadline results in the bill draft being canceled.

14 **40-60. Joint resolutions.** (1) A joint resolution must be adopted by both houses and is not approved
15 by the Governor. It may be used to:

- 16 (a) express desire, opinion, sympathy, or request of the Legislature;
17 (b) recognize relations with other governments, sister states, political subdivisions, or similar
18 governmental entities;
19 (c) request, but not require, a legislative entity to conduct an interim study;
20 (d) adopt, amend, or repeal the joint rules;
21 (e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;
22 (f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-
23 302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;
24 (g) submit a negotiated settlement under section 39-31-305(3), MCA;
25 (h) declare or terminate an energy emergency under section 90-4-310, MCA;
26 (i) ratify or propose amendments to the United States Constitution;
27 (j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of
28 Montana; or

(k) approve the organization of a new community college district under section 20-15-209, MCA.

(2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group achievement. Recognition of individual or group achievements is handled on special orders of the day.

(3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

(4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House.

40-65. Appropriation required for bills requesting interim studies. (1) A bill including a request for an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct the study. The bill must include a contingent voidness section that would void the bill if an appropriation is not included. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not appear to be sufficient.

(2) A Senator may introduce a bill that includes a request for an interim study in the Senate without an appropriation, but the bill may not be transmitted to the Governor unless the bill contains an appropriation added in the House that is sufficient to conduct the study.

40-70. Bills with same purpose -- vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

(2) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions extended by reference to its title only, but the statute section that is amended or extended must be reproduced or published at length.

40-90. Bills -- original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-95. Amendment processing. (1) Amendments to bills and resolutions are drafted by Legislative Services Division staff.

(2) All amendments must be reviewed by the staff of the Legislative Services Division for proper format, style, and legal form.

(3) Amendments requested and approved by a legislator on a bill that has been assigned to a session standing committee must be emailed to members of the committee prior to executive action on the bill.

(4) Amendments requested and approved by a legislator on a bill that is scheduled for second reading in the Committee of the Whole must be posted online.

40-100. Fiscal notes. (1) All bills reported out of a committee of the Legislature, including interim committees, having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) The Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local

1 government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in
2 cooperation with a local government or school district affected by the bill.

3 (b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the
4 Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

5 (5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who
6 requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request
7 the chief sponsor's actual or electronic signature. The chief sponsor has 1 legislative day after delivery to
8 review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day
9 has elapsed, all fiscal notes having a potential effect on the revenues, expenditures, or fiscal liability must be
10 reproduced for the members of the committee hearing the bill and, if the bill is reported out of committee,
11 placed on the members' desks, either with or without the chief sponsor's actual or electronic signature.

12 (6) A fiscal note must, if possible, show in dollar amounts:

13 (a) the estimated increase or decrease in revenues or expenditures;

14 (b) costs that may be absorbed without additional funds; and

15 (c) long-range financial implications.

16 (7) The fiscal note may not include any comment or opinion relative to merits of the bill. However,
17 technical or mechanical defects in the bill may be noted.

18 (8) (a) A fiscal note also may be requested, with the approval of the presiding officer, on a bill and on
19 an amended bill by:

20 (i) a committee considering the bill;

21 (ii) a majority of the members of the house in which the bill is to be considered, at the time of second
22 reading; or

23 (iii) the chief sponsor.

24 (b) With the approval of the presiding officer, a committee may request a revised fiscal note on
25 committee-approved amendments to a bill not reported out of committee by passing a motion to postpone
26 action on the bill pending a revised fiscal note.

27 (9) The Budget Director shall prepare and deliver an amended fiscal note on an amended bill within 3
28 days of the request by the presiding officer; otherwise the bill may proceed without the updated fiscal note.

(10) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.

(11) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading unless the bill is accompanied by the fiscal note.

(12) (a) If the budget director fails to prepare and submit a fiscal note in a timely fashion in accordance with this rule, the presiding officer of each house may request the preparation of a fiscal note by the Legislative Fiscal Division, which shall prepare a fiscal note for the bill.

(b) The presiding officer of the originating chamber shall designate which fiscal note accompanies the bill or is used in the preparation of the status sheet if more than one fiscal note is prepared.

40-110. Sponsor's fiscal note rebuttal. (1) If a sponsor elects to prepare a sponsor's fiscal note rebuttal, the sponsor shall make the election as provided and return the completed sponsor's fiscal note rebuttal form to the presiding officer within 4 days of the election. The form must identify the bill number, the sponsor of the bill, the date prepared, the version of the fiscal note being rebutted, the reasons the sponsor disagrees with the fiscal note, the items or assumptions in the fiscal note that the sponsor believes are incorrect, and the sponsor's estimate of the fiscal impact, if an estimate is available.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal note rebuttal.

(3) Upon receipt of the completed sponsor's fiscal note rebuttal form, the presiding officer shall refer it to the committee hearing the bill. If the bill is printed, the form must be identified as a sponsor's fiscal note rebuttal, reproduced, and placed on the members' desks. The sponsor's fiscal note rebuttal must be posted online with the bill materials.

(4) The Legislative Services Division or the Legislative Fiscal Division shall provide forms for preparation of sponsors' fiscal note rebuttals and shall post the completed sponsors' fiscal note rebuttals online and may also print the completed sponsors' fiscal note rebuttal forms on a different color paper than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and that entirely new material be substituted so long as the new material is relevant to the title and subject of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the material following the enacting clause, to substitute the new material, and to recommend any necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under consideration. It may be read either by title or by summary of title. Introduction constitutes the first reading of the bill.

40-140. Second reading -- bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill and its version status must be posted online and, if printed, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, an indication must be made online on the bill status page. If the bill is printed, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after receipt.

(2) Copies of the engrossed bill must be distributed to members electronically. If also printed, the engrossed bill must be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. If printed, only the first sheet must be reproduced

1 on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire
2 bill.

3 (3) If a bill is amended by a standing committee in the second house, the amendments must be
4 engrossed and the engrossed bill posted online. If the engrossed bill is also printed, the amendments must be
5 included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is
6 amended in Committee of the Whole, the amendments must be engrossed and the engrossed bill posted
7 online. If the engrossed bill is also printed, the amendments must be included in a salmon-colored reference bill
8 and distributed in the second house for third reading. If the bill passes on third reading, the reference bill must
9 be posted online and, if printed, copies distributed in the original house. The original house may request from
10 the second house a specified number of copies of the amendments to be printed.

11 **40-160. Enrolling.** (1) When a bill has passed both houses, it must be enrolled. An original and one
12 duplicate printed copy of the bill must be enrolled, free from all errors, with a margin of two inches at the top
13 and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted
14 matter must be shown as stricken. The enrolled bill must be posted online.

15 (2) When the enrolling is completed, the bill must be examined by the sponsor.

16 (3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill
17 originated. The presiding officer shall sign the original and one copy of the bill not later than the next legislative
18 day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which
19 case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer
20 and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly
21 enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be
22 permitted to do so. The bill then must be transmitted to the other house where the same procedure must be
23 followed.

24 (4) A bill that has passed both houses of the Legislature by the 90th day may be:

25 (a) enrolled;

26 (b) clerically corrected by the presiding officers, if necessary;

27 (c) signed by the presiding officers; and

28 (d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of

1 State, not later than 5 working days after the 90th legislative day.

2 (5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

3 (6) The original and one copy signed by the presiding officer of each house must be presented to the
4 Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the
5 house of the day of the presentation, which must be entered on the journal.

6 (7) The original must be filed with the Secretary of State. A signed copy with a chapter number
7 assigned pursuant to section 5-11-204, MCA, must be filed with the Legislative Services Division.

8 **40-170. Amendment by second house.** (1) Amendments to a bill by the second house may not be
9 further amended by the house in which the bill originated, but must be either accepted or rejected. A bill
10 amended by the second house when the effect of the combined amendments is to return the bill to the form that
11 the bill passed the house in which the bill originated is not considered to have been amended and need not be
12 returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected,
13 a conference committee may be requested by the house in which the bill originated. If the amendments are
14 accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed
15 on third reading in the house of origin.

16 (2) The vote on third reading after concurrence in amendments is the vote of the house of origin that
17 must be used to determine if the required number of votes has been cast.

18 **40-180. Final action on a bill.** (1) When a bill being heard by the second house has received its third
19 reading or has been rejected, the second house shall transmit it as soon as possible to the original house with
20 notice of the second house's action.

21 (2) A bill that reduces revenue and that contains a contingent voidness provision may not be
22 transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained
23 in the general appropriations act.

24 **40-190. Transmittal of bills between houses -- referral -- hearing.** (1) Each house shall transmit to
25 the other with any bill all relevant papers.

26 (2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated
27 receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of
28 Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

(3) Transmitted bills must be referred to committee and scheduled for hearing.

40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment

transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes or fees.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced pursuant to 5-5-227, MCA, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to the revenue estimating resolution must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions

1 advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any
2 time during a session.

3 (4) Interim study resolutions must be transmitted from one house to the other on or before the 85th
4 legislative day.

5 **40-210. Governor's veto.** (1) Except as provided in 40-65 and 40-180, each bill passed by the
6 Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

7 (a) bills proposing amendments to The Constitution of the State of Montana;

8 (b) bills ratifying proposed amendments to the United States Constitution;

9 (c) resolutions; and

10 (d) referendum measures of the Legislature.

11 (2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

12 (3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

13 (4) If after receipt of a veto message, two-thirds of the members of each house present approve the
14 bill, it becomes law.

15 (5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the
16 bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it
17 approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed
18 (Montana Constitution, Art. VI, Sec. 10).

19 (6) The Governor may veto items in appropriation bills, and in these instances the procedure must be
20 the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

21 **40-220. Response to Governor's veto.** (1) When the presiding officer receives a veto message, the
22 presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the
23 Governor's veto be overridden.

24 (2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the
25 veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.

26 **40-230. Governor's recommendations for amendment -- procedure.** (1) The Governor may return
27 any bill to the Legislature with recommendations for amendment. The Governor's recommendations for
28 amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the Governor's recommendations.

(b) If both houses approve the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor's recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor's recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.

CHAPTER 60

Rules

60-05. Source and precedent of legislative rules of the Montana Legislature. (1) The legislative rules of the Montana Legislature are derived from several sources listed below and take precedence in the following order:

- (a) constitutional provisions and judicial decisions on the constitution;
- (b) adopted legislative rules of the Montana Legislature;
- (c) statutory provisions;

1 (d) adopted parliamentary authority; and

2 (e) parliamentary law.

3 (2) Legislative rules passed by one legislature or statutory provisions governing the legislative process
4 are not binding on a subsequent legislature.

5 **60-10. Suspension of joint rule -- change in rules.** (1) A joint rule may be repealed, amended, or
6 adopted only with the concurrence of both houses. A motion or a joint rule resolution to repeal, amend, or adopt
7 a joint rule must be referred to the Rules Committee. A joint rule may be repealed, amended, or adopted only
8 with the concurrence of a majority of the members voting in both houses.

9 (2) A joint rule governing the procedure for handling bills may be temporarily suspended by the
10 consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

11 (3) Any Rules Committee report recommending a change in the joint rules must be referred to the
12 other house. Any new rule or any change in the rules of either house must be transmitted to the other house for
13 informational purposes.

14 (4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of
15 Representatives shall provide the office of the Legislative Services Division:

16 (a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

17 (b) copies of all minutes and reports of the Rules Committees.

18 **60-20. Reference to Mason's Manual.** Mason's Manual of Legislative Procedure (2010) governs the
19 proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

20 **60-30. Publication and distribution of joint rules.** (1) The Legislative Services Division shall codify
21 and publish in one volume:

22 (a) the rules of the Senate;

23 (b) the rules of the House of Representatives; and

24 (c) the joint rules of the Senate and the House of Representatives.

25 (2) After the rules have been published, the Legislative Services Division shall distribute copies as
26 directed by the Senate and the House of Representatives.

27 **60-40. Tenure of joint rules.** The joint rules remain in effect until removed by a joint resolution or until
28 a new Legislature is elected and takes office.

Amendment - 1st Reading - Requested by: Bryce Bennett

67th Legislature

Drafter: Jaret Coles, 406-444-4022

SJ 1.1.8

1

- END -

DRAFT